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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 ROBERT CARSON,) Case No.: 1:08-CV-00468-AWI-DLB
13)
14 Plaintiffs,)
15 vs.) **STIPULATION AND PROTECTIVE**
16) **ORDER AUTHORIZING LIMITED**
17) **DISCLOSURE OF FRESNO POLICE**
18) **DEPARTMENT’S STANDING ORDERS**
19 CITY OF FRESNO, JOHN OVERSTREET,)
20 individually, DAVE UHRUH, individually, and)
21 DOES 1-40,)
22)
23 Defendants.)

24 IT IS HEREBY STIPULATED between the parties, through their respective counsel, and
25 ordered by this Court, that the following material will be disclosed pursuant to this stipulation
26 and protective order:

- 27 1. Fresno Police Department’s Policy Regarding Assaults in effect in December,
28 2006 (Standing Order No. 3.4.14 – 01.00-04.00);
2. Fresno Police Department’s Policy Regarding Domestic Violence in effect in
December 2006 (Standing Order 3.4.20-.1.00-09.00);
3. Portions of Fresno Police Department’s Policy Regarding Investigative Case
Management System in effect in December 2006 (Standing Order 3.4.15-01.00-8.02);
4. Fresno Police Department’s Policy Regarding Law Enforcement Report Form in
effect in December 2006 (Standing Order 3.9.5-.013.00);

1 5. Fresno Police Department's Policies Regarding Follow-up Report Form in effect
2 in December 2006 (Standing Order 3.9.6-01.00-03.00);

3 6. Fresno Police Department's Policies Regarding Adult Arrest Report in effect in
4 December 2006 (Standing Order 3.9.7-01.00-03.00);

5 7. Portions of Fresno Police Department's Policy Regarding Mandatory or Possible
6 Documentation Required;

7 8. Four (4) page document entitled "Fresno Police Department: Domestic Violence
8 Investigative/Report Writing Checklist";

9 9. Roll Call Training Bulletin No.06-13 entitled "Landlord/Tenant Disputes and the
10 Police";

11 Sections of the disclosed Fresno Police Department's Standing Orders are irrelevant and
12 are privileged pursuant to Evidence Code section 1040(b). The release of those sections would
13 compromise officer safety and/or criminal investigations and reveal police investigatory tactics.
14 (See Privilege & Redaction Log attached hereto as Exhibit "A.")

15 As to any of the sections on the Privilege & Redaction Log, Plaintiff reserves the right to
16 revisit those sections as to the relevance in this litigation.

17 Based on the foregoing, IT IS HEREBY STIPULATED:

18 1. The "Confidential" documents shall be used solely in connection with this
19 litigation in the preparation and trial of this case, or any related proceeding, and not for any other
20 purpose or in any other litigation. A party producing the documents and materials described
21 above may designate those materials by affixing a mark labelling them as "Confidential." If any
22 "Confidential" materials cannot be labelled with the aforementioned marking, those materials
23 shall be placed in a sealed envelope or other container that is in turn marked "Confidential" in a
24 manner agreed upon by the disclosing and requesting parties.

25 2. The "confidential" documents may be disclosed only to the following persons:

26 a) the counsel for any party to this action;

27 b) paralegal, stenographic, clerical, and secretarial personnel regularly
28 employed by counsel referred to in (a);

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- c) court personnel including stenographic reporters engaged in proceedings as are necessarily incidental to preparation for the trial of this action;
- d) any outside expert or consultant retained in connection with this action and not otherwise employed by either party;
- e) any in-house expert designated by defendants to testify at trial in this matter;
- f) witnesses, other than the plaintiffs herein, may have the information disclosed to them during deposition proceedings; the witnesses shall be bound by the provisions of paragraph 3;
- g) the finder of fact at the time of trial subject to the court's rulings on in limine motions and objections of counsel;

3. Each person to whom the confidential documents or any portion thereof is provided, with the exception of counsel who are presumed to know of the contents of this protective order shall, prior to the time of disclosure, be provided by the person furnishing him/her such information, a copy of this order, and shall agree on the record or in writing that he/she has read the protective order and that he/she understands the provisions of the protective order. Such person must also consent to be subject to the jurisdiction of the Federal Court of California, Eastern District, with respect to any proceeding related to enforcement of this order, including without limitation, any proceeding for contempt. Plaintiff shall be responsible for internally tracking the identities of those individuals to whom copies of documents marked "Confidential" are given. The CITY OF FRESNO may not request the identities of said individuals, however, until the final termination of the litigation or if it is able to demonstrate a good faith basis that Plaintiffs, or an agent thereof, has breached the Stipulated Protective Order. Provisions of this order insofar as they restrict disclosure and use of the material shall be in effect until further order of this Court.

4. Any document filed with the Court that includes the confidential documents shall be filed under sealed label with a cover sheet as follows: "This document is subject to a protective order issued by the Court and may not be copied or examined except in compliance with that order." Such documents shall be kept by the Court under seal and made available only to the Court or counsel.

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ORDER

WHEREFORE, based upon the foregoing stipulation:

IT IS SO ORDERED.

Dated: August 13, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE